

On June 14, 1923, Charles E. Ragan entered a plea of guilty to the information, and the court imposed a fine of \$25. On the same date on a plea of not guilty by F. Spence Perry, a verdict of not guilty was rendered as to the said defendant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11821. Adulteration and misbranding of molasses. U. S. v. 281 Cases of Molasses. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16395. I. S. No. 845-t. S. No. C-3653.)

On June 23, 1922, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 281 cases of molasses, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by Abe Azen, from Newcastle, Ind., May 6, 1922, and transported from the State of Indiana into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

It was alleged in substance in the libel that a portion of the article was misbranded in that the cans containing the said portion bore statements representing the contents of the said cans to be 1 pound 9 ounces or 2 pounds 5 ounces, each, as the case might be, which statements were false and misleading and were calculated to deceive and mislead the purchaser, in that the said cans contained less than the amounts declared thereon. Misbranding was alleged with respect to the said portion of the article for the further reason that it was food in package form, and the quantity and [of] the contents of the said cans was not plainly and conspicuously marked on the outside of each package.

On August 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11822. Adulteration and misbranding of vinegar. U. S. v. 30 Barrels of Vinegar. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 16586. I. S. No. 5579-t. S. No. E-4025.)

On July 5, 1922, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 barrels of vinegar at Woodsville, N. H., alleging that the article had been shipped by P. Garlock Co., from Newark, N. Y., on or about October 27, 1921, and transported from the State of New York into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Cider Vinegar \* \* \* Mfg. By P. Garlock Co. Newark, N. Y."

Adulteration of the article was alleged in the libel for the reason that evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for apple cider vinegar.

Misbranding of the article was alleged for the reason that the statement appearing in the labeling, "Pure Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11823. Adulteration of canned cherries. U. S. v. 200 Cases of Cherries. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16837. I. S. No. 86-v. S. No. E-4193.)

On September 29, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases, each containing 6 cans of cherries, remaining unsold in the original unbroken packages at New York, N. Y.,

alleging that the article had been shipped by the Haserot Co., from Traverse City, Mich., on or about August 14, 1922, and transported from the State of Michigan into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Delight of Life Brand Red Sour Pitted Cherries Packed By The Francis H. Haserot Co. \* \* \* Grand Traverse Bay, Michigan \* \* \* Distributed By The Haserot Company, Cleveland, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On July 25, 1923, the Haserot Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reshipped to the factory of the claimant and sorted under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11824. Misbranding of strawberries. U. S. v. Joseph R. Kenner. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 16844. I. S. No. 980-t.)**

On December 23, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph R. Kenner, Bells, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 12, 1922, from the State of Tennessee into the State of Indiana, of a quantity of strawberries in crates which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11825. Adulteration of fava beans. U. S. v. 100 Sacks of Fava Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16901. I. S. No. 6057-v. S. No. C-3828.)**

On November 3, 1922, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 sacks of fava beans, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Hibernia Bank & Trust Co., from San Luis Obispo, Calif., on or about October 9, 1922, and transported from the State of California into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On February 10, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11826. Adulteration of butter. U. S. v. 78 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17640. I. S. No. 450-v. S. No. E-4439.)**

On July 11, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 78 tubs of butter, consigned by the New Haven Creamery Co., Osage, Iowa, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Stacyville, Iowa, on or about June 19, 1923, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the Food and Drugs Act.